

EXHIBIT 13

1 James C. Yoon (SBN 177155)
2 jyoon@wsgr.com
3 WILSON SONSINI GOODRICH & ROSATI P.C.
4 650 Page Mill Road
Palo Alto, CA 94304
Telephone: 650-493-9300
5 Facsimile: 650-565-5100

6 Neil N. Desai (SBN 286405)
7 ndesai@wsgr.com
8 WILSON SONSINI GOODRICH & ROSATI P.C.
9 633 West Fifth Street, Suite 1550
Los Angeles, CA 90071
10 Telephone: 323-210-2900
Facsimile: 866-974-7329

11
12 *Attorneys for Defendants*
13 Rocateq USA, LLC and Rocateq International B.V.

14 UNITED STATES DISTRICT COURT

15 CENTRAL DISTRICT OF CALIFORNIA

16 GATEKEEPER SYSTEMS, INC., a
17 Delaware corporation

18 Plaintiff,

19 v.
20 ROCATEQ USA, LLC; and
ROcateq INTERNATIONAL B.V.,

21 Defendants.
22

23 Case No. 8:22-cv-2092-FWS-KES

24
**DEFENDANTS' OBJECTIONS AND
RESPONSES TO PLAINTIFF'S
FIRST SET OF
INTERROGATORIES (NOS. 1-11)**

25 **PROPOUNDING PARTY:** Plaintiff Gatekeeper Systems, Inc.

26 **RESPONDING PARTY:** Defendants Rocateq USA, LLC and Rocateq
International B.V.

27 **SET:** ONE

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendants Rocateq USA, LLC and Rocateq International B.V. (“Rocateq”) hereby submit their objections and responses to plaintiff Gatekeeper Systems, Inc.’s (“Gatekeeper”) First Set of Interrogatories (“the Interrogatories”) (Nos. 1-11).

These objections and responses represent Rocateq’s reasonable efforts to provide the information requested based upon information in its possession, custody, or control and based upon its current knowledge and understanding. Rocateq reserves all rights to supplement, revise, and/or amend these responses should additional information become available through the discovery process or by other means. Rocateq also reserves the right to produce or use any information or documents that are discovered after service of these responses in support of or in opposition to any motion, in depositions, or in hearings. In responding to Gatekeeper’s First Set of Interrogatories, Rocateq does not waive any objection on the grounds of privilege, confidentiality, competency, relevance, materiality, authenticity, admissibility of the information contained in these responses, or any other objection.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1:

Separately identify each version of Rocateq Check Out Security that was made, used, offered for sale, or sold within the United States (including through resellers) or imported into the United States by You or at Your direction since November 17, 2016 up through and including any trial in this matter, including in Your answer each component comprising such version of the product, such version information including at least the model number(s); source code version(s); marketing name(s); and internal or external code name(s).

RESPONSE TO INTERROGATORY NO. 1:

Rocateq objects to this request as vague and ambiguous. Rocateq objects to the extent that Gatekeeper seeks to impose disclosure obligations exceeding those

1 required by the Federal Rules and Local Rules. Rocateq objects to this interrogatory
2 because it seeks information about Rocateq's Checkout Security system, which
3 Gatekeeper accuses only against patents that it has asserted in a parallel ITC
4 investigation and that are thus subject to a stay pursuant to 28 U.S.C. § 1659. Rocateq
5 intends to move for a stay pursuant to 28 U.S.C. § 1659, which Gatekeeper has not
6 disputed that Rocateq is entitled to.

7 Subject to its objections, scheduling order and stay in this case, and the entry
8 of an appropriate protective order in the case, Rocateq will produce documents under
9 Rule 33(d) that will produce sales and importation information for accused products
10 in the United States. At the appropriate time, Rocateq will meet and confer with
11 Gatekeeper regarding (1) the nature and scope of this interrogatory and (2) the format
12 and nature of sales information relating to the accused products and the time period
13 associated with such sales and importation information.

14 **INTERROGATORY NO. 2:**

15 Separately identify each version of Rocateq Cart Security that was made, used,
16 offered for sale, or sold within the United States (including through resellers) or
17 imported into the United States by You or at Your direction since December 19, 2017
18 up through and including any trial in this matter, including in Your answer each
19 component comprising such version of the product, such version information
20 including at least the model number(s); source code version(s); marketing name(s);
21 and internal or external code name(s).

22 **RESPONSE INTERROGATORY NO. 2:**

23 Rocateq objects to this request as vague and ambiguous. Rocateq objects to
24 the extent that Gatekeeper seeks to impose disclosure obligations exceeding those
25 required by the Federal Rules and Local Rules. Rocateq objects to this request
26 because it seeks information about Rocateq's Cart Security system, which
27 Gatekeeper accuses against patents that Rocateq will ask the Court to stay under the
28 Court's discretionary power.

1 Subject to its objections, scheduling order and stay in this case, and the entry
2 of an appropriate protective order in the case, Rocateq will produce documents under
3 Rule 33(d) that will produce sale and importation information for accused products
4 in the United States. At the appropriate time, Rocateq will meet and confer with
5 Gatekeeper regarding (1) the nature and scope of this interrogatory and (2) the format
6 and nature of sales information relating to the accused products and the time period
7 associated with such sales information.

8 **INTERROGATORY NO. 3:**

9 For each version of Rocateq Check Out Security, describe in detail its
10 operation, including a detailed description of each component of Rocateq Check Out
11 Security and its operation with each Rocateq Related Service.

12 **RESPONSE TO INTERROGATORY NO. 3:**

13 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
14 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq
15 objects to this interrogatory because it seeks information about Rocateq's Checkout
16 Security system, which Gatekeeper accuses only against patents that it has asserted
17 in a parallel ITC investigation and that are thus subject to a stay pursuant to 28 U.S.C.
18 § 1659. Rocateq intends to move for a stay pursuant to 28 U.S.C. § 1659, which
19 Gatekeeper has not disputed that Rocateq is entitled to.

20 Subject to its objections, scheduling order and stay in this case, and the entry
21 of an appropriate protective order in the case, Rocateq will produce documents under
22 Rule 33(d) that will produce technical product information sufficient to describe the
23 design and operation for accused products in the United States.

24 **INTERROGATORY NO. 4:**

25 For each version of Rocateq Cart Security, describe in detail its operation,
26 including a detailed description of each component of Rocateq Cart Security and its
27 operation with each Rocateq Related Service.

28

1 RESPONSE TO INTERROGATORY NO. 4:

2 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
 3 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq
 4 objects to this request because it seeks information about Rocateq's Cart Security
 5 system, which Gatekeeper accuses against patents that Rocateq will ask the Court to
 6 stay under the Court's discretionary power.

7 Subject to its objections, scheduling order and stay in this case, and the entry
 8 of an appropriate protective order in the case, Rocateq will produce documents under
 9 Rule 33(d) that will produce technical product information sufficient to describe the
 10 design and operation for accused products in the United States.

11 INTERROGATORY NO. 5:

12 Provide monthly financial information associated with providing each of the
 13 Accused Products and Rocateq Related Services in the United States since November
 14 17, 2016, including (1) identification of the customer, (2) product or service sold, (3)
 15 revenues, (4) fixed and variable costs, (5) profit margins, and (6) the sales price per
 16 unit of each piece of equipment or Rocateq Related Service.

17 RESPONSE TO INTERROGATORY NO. 5:

18 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
 19 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq
 20 objects to this request as overly broad and unduly burdensome as to the definition of
 21 "Rocateq Related Services" because that definition purports to cover products and
 22 services unrelated to any claim or defense at issue. Rocateq objects to this request
 23 because it seeks information about Rocateq's Checkout Security system, which
 24 Gatekeeper accuses only against patents that it has asserted in a parallel ITC
 25 investigation and that are thus subject to a stay pursuant to 28 U.S.C. § 1659. Rocateq
 26 intends to move for a stay pursuant to 28 U.S.C. § 1659, which Gatekeeper has not
 27 disputed that Rocateq is entitled to. Rocateq also objects to this request because it
 28 seeks information about Rocateq's Cart Security system, which Gatekeeper accuses

1 against patents that Rocateq will ask the Court to stay under the Court's discretionary
2 power.

3 Subject to its objections, scheduling order and stay in this case, and the entry
4 of an appropriate protective order in the case, Rocateq will produce documents under
5 Rule 33(d) that will provide sale information for accused products in the United
6 States. At the appropriate time, Rocateq will meet and confer with Gatekeeper
7 regarding the format and nature of sales and importation information relating to the
8 accused products and the time period associated with such sales and importation
9 information

10 **INTERROGATORY NO. 6:**

11 Identify any patent license agreements You contend are comparable to the
12 one(s) that Gatekeeper would have negotiated with the Defendants and provide Your
13 complete factual bases for economic and technical comparability.

14 **RESPONSE TO INTERROGATORY NO. 6:**

15 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
16 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq
17 objects to this request because it seeks information related to Rocateq's Checkout
18 Security system, which Gatekeeper accuses only against patents that it has asserted
19 in a parallel ITC investigation and that are thus subject to a stay pursuant to 28 U.S.C.
20 § 1659. Rocateq intends to move for a stay pursuant to 28 U.S.C. § 1659, which
21 Gatekeeper has not disputed that Rocateq is entitled to. Rocateq also objects to this
22 request because it seeks information related to Rocateq's Cart Security system, which
23 Gatekeeper accuses against patents that Rocateq will ask the Court to stay under the
24 Court's discretionary power.

25 Subject to its objections, scheduling order and stay in this case, and the entry
26 of an appropriate protective order in the case, Rocateq will produce documents under
27 Rule 33(d) that will product licensing agreements relating to the accused products
28 and patents.

1 **INTERROGATORY NO. 7:**

2 To the extent You contend there would have been a design-around for any of
3 the Patents-in-Suit, provide a complete description of such design-arounds, including
4 their cost, availability, and acceptability, and an identification of all supporting
5 evidence upon which You rely.

6 **RESPONSE TO INTERROGATORY NO. 7:**

7 Rocateq objects to this request because it seeks information related to
8 Rocateq's Checkout Security system, which Gatekeeper accuses only against patents
9 that it has asserted in a parallel ITC investigation and that are thus subject to a stay
10 pursuant to 28 U.S.C. § 1659. Rocateq intends to move for a stay pursuant to 28
11 U.S.C. § 1659, which Gatekeeper has not disputed that Rocateq is entitled to.
12 Rocateq also objects to this request because it seeks information related to Rocateq's
13 Cart Security system, which Gatekeeper accuses against patents that Rocateq will ask
14 the Court to stay under the Court's discretionary power. Rocateq objects to this
15 request as a premature contention interrogatory. Gatekeeper has not provided its
16 infringement contentions and the Court has not issued its claim construction order.
17 The request improperly seeks information protected by the attorney-client and work
18 product privileges.

19 Subject to its objections, the scheduling order and any order regarding a stay,
20 Rocateq is willing to meet and confer about this request.

21 **INTERROGATORY NO. 8:**

22 Explain in detail all the legal and factual bases for your affirmative defense of
23 prosecution history estoppel (Defendants'Fourth Affirmative Defense), including an
24 identification of all evidence, documents, and testimony upon which you intend to
25 rely.

26 **RESPONSE TO INTERROGATORY NO. 8:**

27 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
28 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq

1 objects to this request to the extent that it improperly seeks information protected by
 2 the attorney-client and work product privileges. Rocateq objects to this request
 3 because it seeks information related patents that are subject to a stay pursuant to 28
 4 U.S.C. § 1659. Rocateq also objects to this request because it seeks information
 5 related to patents that Rocateq will ask the Court to stay under the Court's
 6 discretionary power. Rocateq also objects to this request as a premature contention
 7 interrogatory. Gatekeeper has not provided its infringement contentions and the
 8 Court has not issued its claim construction order.

9 Subject to its objections, the scheduling order and any order regarding a stay,
 10 Rocateq is willing to meet and confer about this request.

11 **INTERROGATORY NO. 9:**

12 Separately for each of the Accused Products, identify: (a) the date(s) on which
 13 it was announced; (b) its first U.S. release date; (c) the first U.S. sale or offer for sale;
 14 (d) the first public use in the U.S.; (d) the first U.S. manufacture; (e) the first date on
 15 which it was imported into the U.S.; and (f) the first use by You or at Your direction
 16 in the U.S., whether for testing or otherwise; (g) the date on which it was
 17 discontinued.

18 **RESPONSE TO INTERROGATORY NO. 9:**

19 Rocateq objects to this request as vague and ambiguous. Rocateq objects to
 20 the extent that Gatekeeper seeks to impose disclosure obligations exceeding those
 21 required by the Federal Rules and Local Rules. Rocateq objects to this request
 22 because it seeks information related to Rocateq's Checkout Security system, which
 23 Gatekeeper accuses only against patents that it has asserted in a parallel ITC
 24 investigation and that are thus subject to a stay pursuant to 28 U.S.C. § 1659. Rocateq
 25 intends to move for a stay pursuant to 28 U.S.C. § 1659, which Gatekeeper has not
 26 disputed that Rocateq is entitled to. Rocateq also objects to this request because it
 27 seeks information related to Rocateq's Cart Security system, which Gatekeeper
 28 accuses against patents that Rocateq will ask the Court to stay under the Court's

1 discretionary power.

2 Subject to its objections, scheduling order and stay in this case, and the entry
3 of an appropriate protective order in the case, Rocateq will produce documents under
4 Rule 33(d) that will provide sale and importation information for accused products
5 in the United States. At the appropriate time, Rocateq will meet and confer with
6 Gatekeeper regarding (1) the nature and scope of this interrogatory and (2) the format
7 and nature of sales information relating to the accused products and the time period
8 associated with such sales and importation.

9 **INTERROGATORY NO. 10:**

10 Separately for each of the Patents-in-Suit, describe in detail the circumstances
11 in which You or Your attorneys first became aware of each of the Patents-in-Suit (or
12 any patent application that later issued as one of the Patents-in-Suit), including at
13 minimum: how and when You or Your attorneys first became aware of each of the
14 Patents-in-Suit; the person(s) so aware, any documents concerning Your awareness
15 of each of the Patents-in-Suit; any documents or facts showing or reflecting Your
16 belief of infringement or validity of each of the Patents-in-Suit from the time you
17 first became aware of each of the Patents-in-Suit through trial in this action. Your
18 answer should identify by production number any documents that concern, support,
19 or refute Your answer.

20 **RESPONSE TO INTERROGATORY NO. 10:**

21 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
22 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq
23 also objects to this request to the extent that it seeks information covered by the
24 attorney-client and work product privileges. Rocateq further objects to this request
25 on the ground that it is premature under the scheduling order. Rocateq objects to this
26 request because it seeks information related patents that are subject to a stay pursuant
27 to 28 U.S.C. § 1659. Rocateq also objects to this request because it seeks information
28 related to patents that Rocateq will ask the Court to stay under the Court's

1 discretionary power.

2 Subject to its objections, scheduling order and stay in this case, and the entry
3 of an appropriate protective order in the case, Rocateq will produce documents under
4 Rule 33(d) that will provide information relating to notice of the asserted patents and
5 any alleged infringement.

6 **INTERROGATORY NO. 11:**

7 Separately for each of the Patents-in-Suit, identify any analysis, whether in
8 writing or otherwise, regarding the scope, validity, enforceability, or infringement of
9 such patent, including the identity of the person(s) who performed or participated in
10 the analysis, the date of the analysis, the purpose of the analysis, the person(s) to
11 whom the analysis was provided or disclosed, the substance of the analysis, and the
12 production number of any documents that concern, support, or refute Your answer.

13 **RESPONSE TO INTERROGATORY NO. 11:**

14 Rocateq objects to the extent that Gatekeeper seeks to impose disclosure
15 obligations exceeding those required by the Federal Rules and Local Rules. Rocateq
16 also objects to this request on the ground that it seeks information covered by the
17 attorney-client and work product privileges. Rocateq further objects to this request
18 on the ground that it is premature under the scheduling order. Rocateq objects to this
19 request because it seeks information related patents that are subject to a stay pursuant
20 to 28 U.S.C. § 1659. Rocateq also objects to this request because it seeks information
21 related to patents that Rocateq will ask the Court to stay under the Court's
22 discretionary power.

23 Rocateq is willing to meet and confer about this request.

24

25

26

27

28

1 Dated: April 10, 2023
2

3 By:/s/ *Neil N. Desai* _____
4

5 James C. Yoon
6 WILSON SONSINI GOODRICH &
7 ROSATI P.C.
8 650 Page Mill Road
9 Palo Alto, CA 94304
10 Telephone: 650-493-9300
Facsimile: 650-565-5100

11 Neil N. Desai
12 WILSON SONSINI GOODRICH &
ROSATI P.C.
633 West Fifth Street, Suite 1550
Los Angeles, CA 90071
Telephone: 323-210-2900
Facsimile: 866-974-7329

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

21 Attorneys for Defendants
Rocateq USA, LLC
Rocateq International B.V.

CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a copy of the foregoing document(s) was served on all counsel of record via electronic mail on April 10, 2023.

S. Michael Song (SBN 198656)
Charles Hsu (SBN 328798) *Electronic Email*
DECHERT LLP
3000 El Camino Real
Five Palo Alto Square, #650
Palo Alto, CA 94306
Telephone: 650-813-4813
Email: Michael.song@dechert.com
Charles.hsu@dechert.com

Martin Black (*pro hac vice*)
Judah Bellin (*pro hac vice*)
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
Telephone: 215-994-2664
Email: Martin.black@dechert.com
Judah.bellin@dechert.com

Counsel for Plaintiff Gatekeeper Systems, Inc.

Dated: April 10, 2023

By: /s/ Arlene Apodaca

ARLENE APODACA
Email: aapodaca@wsgr.com